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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MARQUIS LAMAR FRANKLIN,
15 Defendant.
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Case No. 2:17-cr-333-APG-PAL

STIPULATION TO CONTINUE
MOTION DEADLINES
(First Request)

ORDER

17 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,
18 Acting United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Nisha Brooks-Whittington, Assistant Federal Public Defender, counsel for Marquis Lamar
21 Franklin, that the parties herein shall have to and including February 5, 2018, by the hour of
22 4:00 p.m., within which to file any and all pretrial motions and notices of defense.

23 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
24 shall have to and including February 19, 2018, to file any and all responsive pleadings.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
26 shall have to and including February 26, 2018, to file any and all replies to dispositive motions.

1 The Stipulation is entered into for the following reasons:

2 1. Undersigned counsel was in trial from December 19, 2017 to December 21, 2017
3 in *United States v. Hessiani*, case no. 2:16-cr-00320-LRH-VCF, and then out of the office from
4 December 22, 2017 until January 2, 2018.

5 2. Counsel needs additional time to discuss the case with her client and determine
6 whether any pretrial motions will be filed.

7 3. The defendant is incarcerated and does not object to the continuance.

8 4. The parties agree to the continuance.

9 5. The additional time requested herein is not sought for purposes of delay, but
10 merely to allow counsel for defendant sufficient time within which to be able to effectively and
11 complete investigation of the discovery materials provided.

12 6. Additionally, denial of this request for continuance could result in a miscarriage
13 of justice. The additional time requested by this Stipulation is excusable in computing the time
14 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
15 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
16 Section 3161(h)(7)(B)(i), (iv).

17 This is the first stipulation to continue filed herein.

18 DATED this 4th day of January, 2018.

19 RENE L. VALLADARES
20 Federal Public Defender

STEVEN W. MYHRE
Acting United States Attorney

21 /s/ Nisha Brooks-Whittington
22 By _____

/s/ Phillip N. Smith, Jr.
By _____

23 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

PHILLIP N. SMITH, JR.
Assistant United States Attorney

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1 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
2 Section 3161(h)(7)(B)(i), (iv).

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interest of the
5 public and the defendant in a speedy trial, since the failure to grant said continuance would be
6 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
7 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
8 account the exercise of due diligence.

9 The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United
10 States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United
11 States Code, § 3161(h)(7)(B)(i), (iv).

12 **ORDER**

13 IT IS THEREFORE ORDERED that the parties herein shall have to and including
14 February 5, 2018 to file any and all pretrial motions and notice of defense.

15 IT IS FURTHER ORDERED that the parties shall have to and including February 19,
16 2018 to file any all responses.

17 IT IS FURTHER ORDERED that the parties shall have to and including February 26,
18 2018 to file any and all replies.

19 DATED this 4 day of January, 2018.

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21 UNITED STATES DISTRICT JUDGE
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